

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Bell Atlantic Mobile of MA Corp, Ltd, dba Verizon Wireless

Date application filed with the Town Clerk: August 30, 2005

Nature of request: a Special Permit under Section 3.340.2 of the Zoning Bylaw to install wireless telecommunication antennas on an existing smokestack at Amherst College, plus erection of an accessory equipment shelter

Address: 51 College Street, Amherst College (Map 14B, Parcel 165, ED Zoning District)

Legal notice: Published on September 21 & 28, 2005 in the Daily Hampshire Gazette and sent to abutters on September 19, 2005.

Board members: Zina Tillona, Barbara Ford and Hilda Greenbaum

Submissions: The petitioner submitted the following:

- A booklet with the application containing tower plans, FCC license, and the applicant's statement, dated August 2005
- Supplemental documents, of photographic simulations, local coverage maps, antenna specifications and Amherst College contacts, dated September 13, 2005
- A set of plans showing the location, site plan, elevation and site details, drawn by Dewberry-Goodkind, Inc, dated 8/18/05

Zoning staff submitted a memo, dated 9/30/05, which outlined a previous Special Permit for a wireless facility at the same location and the Zoning Bylaw requirements for a wireless facility.

Site Visit: October 4, 2005

The Board met the applicant and Don Campbell, Assistant Director of Physical Plant, at the site. They observed the following:

- The physical plant smokestack, which already contains the Southwest Bell Mobil (Cingular Wireless) antennas
- The surrounding college buildings to the west and east of the physical plant, a parking lot and College Street to the north, and woods owned by the college to the east.
- The Cingular equipment shed, and the location of the proposed Verizon shed.
- The closest residential home, which is over 150 feet away.

Public Hearing: October 6, 2005

Verizon Wireless was represented by three people at the hearing, Attorney Ellen Freyman, Regulatory Manager Sandy Carter, and Radio Frequency Engineer Alex Restrepo.

The applicants made the following points:

- Verizon Wireless needs this location in the Amherst area because there are spots which need extra antenna strength and areas where there is no coverage yet.
- The existing smokestack at Amherst College is 150 feet high, and Cingular's antennas are placed at 142 feet.
- Verizon proposes to locate their six antennas at 132 feet, 10' below Cingular
- The proposed equipment building would be 12' x 30', larger than that for Cingular because Verizon installs an emergency generator in its building.
- Section 12 of the applicant's submitted booklet of August, 2005 outlines how this proposal complies with the requirements of Section 3.340.2 of the Zoning Bylaw.
- The height of the proposed antennas is higher than the 125 foot limit set in the Bylaw, but the allows for modification if not in a residential district and if using an existing structure (Standard #1 under Section 3.340.2 of the Bylaw)

The Board asked what will change visually from what now exists at the site. Ms. Freyman responded that there will be another row of antennas on the smokestack, below those of Cingular. The Verizon building will be near the other buildings of the college's physical plant; it will not be visible to the public. The smokestack will support the proposed antennas. The supplemental documents submitted 9/13/05 by the applicant shows photographic simulations of the added Verizon Wireless antennas from six different locations ranging from 400 to 1500 feet away from the stack.

Building Commissioner Bonnie Weeks stated that she has no concerns regarding the structural support of the equipment building, which will be a pre-fabricated one. The petitioner stated that they will submit the structural calculations for the equipment building.

Ms. Ford noted that currently there is a fence around the physical plant building and the Cingular building. She asked about extending the fence for the equipment shed and who will fill in the slope next to the proposed building. Ms. Freyman answered that Verizon will be responsible for both the 11-foot extension for the fence and fill for extending the slope of the land next to the physical plant in order to accommodate the new equipment building.

Ms. Ford asked if the smokestack will be able to accommodate additional wireless cables and antennas. Ms. Freyman responded that each carrier's antennas must be 10 feet apart from the other company, and that Amherst College will determine whether the stack can support other carriers. The applicant's calculations of the stack's ability to support the Verizon equipment is shown in Section 5 of the original booklet submitted with the application.

Ms. Tillona asked if each carrier needs its own equipment shed. Ms. Freyman responded that yes, they do, but only Verizon has its own emergency generator in its shed.

Mr. Carter, Verizon's Regulatory Manager, said that other carriers bring in portable generators and don't store one on site. T Mobile and Sprint use smaller cabinets. In addition, it will be up to Amherst College whether they will host another co-locator.

Ms. Ford asked for reassurance that the radiation emitted from the two wireless facilities will be within the FCC range of allowed emissions. Ms. Freyman responded that Verizon's emission is only 8.82% of the maximum emission allowed by the FCC.

Ms. Greenbaum asked what the range of service will be for the proposed location. Mr. Restrepo, a radio frequency engineer, showed the Board the submitted plan with the extent of the range of service. He said that because there are so many users in the immediate vicinity of the college and downtown Amherst that additional capacity is needed in order to improve overall coverage in that location.. The proposed six PCS panel antennas should improve capacity concerns. Additional sites are also under consideration.

Ms. Freyman stated that Verizon will also have a North Amherst location – the Town's Ruxton gravel quarry in North Amherst is the site currently under consideration for a new wireless facility.

Ms. Weeks stated that the previous carrier (Cingular) had to add casing over the antenna cables. The proposed plan shows Verizon and Cingular sharing the same covered cable tray. But if Verizon needs a separated cable area, it should be covered to match the smokestack color and existing casing material.

Ms. Ford moved to close the evidentiary portion of the hearing. Ms. Greenbaum seconded the motion, and the vote to close the hearing was unanimous.

Public Meeting, discussion:

The Board reviewed the applicant's written statement, Section 12 of the submitted booklet. They reviewed requirements of the Zoning Bylaw for wireless communication facility, Section 3.340.2, and the applicants written responses to those requirements.

The Board noted that this is a straightforward request, similar in content to several other wireless Special Permits for Amherst, and the second for this location. The conditions of the Cingular Special Permit FY2004-00045 were reviewed for their applicability to this application also.

Findings:

The Board finds under Section 3.340.2 of the Zoning Bylaw, Wireless Communications, that:

1. The proposed facility is located in an Educational Zone. Since the proposed antennas will be located on an existing smokestack at Amherst College, the impact on the neighborhood will be minimal. The Bylaw may allow a greater height (132 ft.) than the required 125 feet if the proposal provides adequate safety, promotes co-location, and will not significantly impact the character and appearance of the neighborhood. The fenced and locked area will provide safety, and the smokestack can accommodate other wireless facilities.
2. The design facilities include:
 - No advertisements (3.340.2.2b)
 - The equipment building exterior will have a non-reflective earth-tone color (3.340.2.2c)
 - The antennas and coaxial cable trays will be painted the same color as the smokestack (3.340.2d&e)
 - The telecommunications equipment will be located inside the shed next to the smokestack (3.340.2.2f)
 - No satellite dishes will be used (3.340.2.2g)
 - The college physical plant and Cingular building is surrounded by a 6' chain link fence (3.340.2.2h). The proposed Verizon equipment shed will be within an extension of the chain link fence.
 - No lighting or special painting is needed on the smokestack (3.340.2.2i)
 - The submitted 6 photo simulations show that the smokestack and proposed antenna

- will be as unobtrusive to the surrounding area as is the current stack (3.340.2.2j)
- Landscaping shall remain as is on site, with the exception of altering the slope at the easterly edge of the site in order to accommodate the Verizon equipment building (3.340.2.2k)
3. The proposed facility will be located on an existing smokestack that has the capability to support it.
 4. The petitioner has provided certification to operate from the FCC.
 5. The petitioner agreed to maintain the facility and provide an inspection schedule.
 - 6&7. The petitioner has supplied the Board and Building Commissioner with copies of all licenses and permits required, and shall remove all structures associated with this permit within one year of cessation of use.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – The proposal is suitably located in the neighborhood and compatible with other uses since the district is educational and there already is a wireless service on the Amherst College smokestack

10.382, 10.383 & 10.385 – The proposal will not constitute a nuisance to abutters or pedestrians due to pollution, noise or lights since the college physical plant area is large, well back from the road, and surrounded by college buildings or woods. The homes in the neighborhood are not close by. Noise and exterior lighting will be minimal.

10.384, 10.387 & 10.388 – Adequate and appropriate facilities will be provided, since the approved site plan indicates the location of the equipment building is close to the college's existing physical plant, the fence, parking and new natural gas line for the generator. This area is removed from the main campus area for the college.

10.386 & 10.387 – Parking is already provided by the college for the physical plant employees; the proposed wireless facility will need parking only for inspections or maintenance. Signage will be minimal – only an emergency sign is applicable.

10.389 – The proposal provides adequate methods of disposal since the property is on Town water/sewer.

10.391 – The proposal protects, to the extent feasible, scenic features of the area in that the utilities will be underground, an existing smokestack is used for the wireless facility and the woods and trails to the east of the area will remain undisturbed.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw in that it will promote the convenience and well-being of the Verizon cell phone users of the area.

Zoning Board Decision:

Hilda Greenbaum MOVED to approve the application of Bell Atlantic, dba Verizon for a wireless facility at Amherst College, with conditions. Barbara Ford seconded the motion.

For all of the reasons stated above, the Board VOTED to grant a Special Permit to Bell Atlantic Mobile of Massachusetts to install wireless telecommunication antennas on an existing smokestack at Amherst College plus erection of an accessory equipment shelter, under Section 3.340.2 of the Zoning Bylaw, at 51 College Street, Amherst College (Map 14B, Parcel 165, ED Zoning District) with conditions.

ZINA TILLONA

BARBARA FORD

HILDA GREENBAUM

FILED THIS _____ day of _____, 2005 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2005.

NOTICE OF DECISION mailed this _____ day of _____, 2005
to the attached list of addresses by _____, for the Board.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2005,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Bell Atlantic Mobile of Massachusetts to install wireless telecommunication antennas on an existing smokestack at Amherst College plus erection of an accessory equipment shelter, under Section 3.340.2 of the Zoning Bylaw, at 51 College Street, Amherst College (Map 14B, Parcel 165, ED Zoning District) subject to the following conditions:

1. The new structure and antennas shall be constructed according to the plans submitted by the applicant and approved by the Board at the public meeting October 6, 2005 and on file at the zoning office.
2. The site shall be managed as described in the Management Plan approved by the Board at the public meeting October 6, 2005.
3. Monthly inspections shall be made as described in Section 9 of the booklet submitted by the applicant and approved by the Board at the public meeting October 6, 2005. Any change in the conditions or operation of the facility that might affect the health and safety of the residents of the Town of Amherst shall be reported to the Building Commissioner as soon as is practicable, and not less than two (2) working days following the inception or discovery of the change.
4. All structures associated with the wireless communications use shall be located within a 6-ft. high chain link fence secured and locked in a manner sufficient to prevent access by persons other than authorized personnel.
5. No signs shall be erected except for signs required under applicable state and federal laws, and emergency/warning signs.
6. Bell Atlantic Mobile of MA will be held responsible for compliance with all statements made in the submitted booklet, particularly Section 12, which was approved by the Board at the October 6, 2005 public meeting.
7. All structures associated with the wireless communications shall be removed within one (1) year of cessation of said use. Prior to issuance of a building permit for the wireless communications use, the petitioner shall post and submit a bond or other financial surety acceptable to the Town in an amount sufficient to cover the cost of demolishing and/or removing the structures in the event the Building Commissioner condemns the applicant's structures or deems it to have been abandoned or vacant for more than one year. Said amount shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. In the event the posted amount does not cover the cost of demolition and/or removal, the Town may place a lien upon the property covering the difference in cost.

ZINA TILLONA, Chair
Amherst Zoning Board of Appeals

DATE

